

<b>Application Number</b>	15/1123/S73	<b>Agenda Item</b>	
<b>Date Received</b>	12th June 2015	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	11th September 2015		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	The Perse Upper School Hills Road Cambridge Cambridgeshire CB2 8QF		
<b>Proposal</b>	Section 73 application to vary condition 16 (Long Road Access) of 14/2070/FUL to also allow vehicles providing a delivery, collection or maintenance function for the Perse School.		
<b>Applicant</b>	Mr Gerald Ellison The Perse Upper School, Hills Road Cambridge Cambridgeshire CB2 8QF United Kingdom		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>□ Planning permission was granted to use the service permanently through planning permission 06/0175/FUL. Considering the unrestricted use granted by the previous permission it is, in my view, unreasonable to restrict the use of the road so severely through the permission for the Performing Arts Centre. In my opinion the amenity of neighbouring properties can be protected through conditions restricting the hours of use and the type of vehicle, and I therefore recommend that the application is approved subject to conditions.</li> </ul>
<p>RECOMMENDATION</p>	<p>APPROVAL</p>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The Perse Upper School is accessed off Hills Road from a long driveway and is bounded by residential development on all four sides. To the south of the site are dwellings that front onto Long Road. To the north and west are properties on Sedley Taylor Road, Luard Road and Luard Close.
- 1.2 The site does not fall within a Conservation Area and falls outside the controlled parking zone.
- 1.3 The area of the school site that is the subject of this application is currently in use as an all-weather sports pitch.

## 2.0 THE PROPOSAL

- 2.1 Planning permission was granted by Planning Committee on 3<sup>rd</sup> June 2015 for a new purpose built performing arts centre and landscaped courtyard within the grounds of the Perse School (14/2070/FUL).
- 2.2 This application seeks to vary condition 16 of this permission. The condition reads as follows:

*The access road from Long Road shall be used for the delivery of construction materials during the construction of the building hereby approved and emergency service vehicles only.*

*Reason: In the interests of the residential amenity of neighbours. (Cambridge Local Plan 2006, policy 4/13)*

- 2.3 The applicant seeks to reword this condition to also allow vehicles providing a delivery, collection or maintenance function for the Perse School to use this road.

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/95/0714	Erection of new sports hall and swimming pool, and associated access road and car parking including use of temporary access for contractors adjacent to No.19 Long Road.	Approved

C/97/0976	Temporary use of access land adjacent to 19 Long Road for contractors vehicles in connection with the third phase of laboratory extension.	Approved
C/99/0531	Erection of a school sports hall and sixth form centre and continued temporary use of the contractors access from Long Road during the construction period of the sports hall.	Approved
06/0175/FUL	Erection of new 3 storey classroom block, new 2 storey art and technology block, sports centre extension and science block extension together with associated parking service road extension, landscaping and all weather pitch.	Approved
10/1317/FUL	First floor extension over Sports Hall store and link to rest of first floor.	Approved
14/2070/FUL	New purpose built performing arts centre and landscaped courtyard within the grounds of the Perse School. The scheme will accommodate a new 360 seat auditorium, rehearsal room, foyer and ancillary areas as well as 5 new classrooms. The landscaped courtyard will include soft landscaping, an external performance space and a reflection pool.	Approved

#### 4.0 **PUBLICITY**

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/7 4/13

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
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5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that are of relevance.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 No significant adverse effect upon the Public Highway is anticipated to result from this proposal if it gains benefit of Planning Permission.
- 6.2 The above response is a summary of the comments that have been received. Full details of the consultation response can be inspected on the application file.

### **Head of Refuse and Environment**

- 6.3 On review of the historic information relating to the Long Road access road, I understand that the route is currently used for service and construction vehicle access to and from the school. Additional use is anticipated for servicing the new Performing Arts Centre. I also understand that the access road is laid to tarmac, which will minimise the spread of airborne dust and help to reduce surface noise.
- 6.4 With regards to use by commercial waste collection vehicles, it is understood that servicing will be tied into the existing rota and as such, should not result in an increase in refuse vehicles using the access road.
- 6.5 Due to the operational requirements of the waste collection crews, access to commercial premises for waste collection vehicles is accepted by the Council to be no earlier than 7am. This is controlled through separate measures by the Refuse and Environment Department (specifically Environmental Health) who can take action on early morning deliveries. As such, there should be no requirement to condition this.
- 6.6 I consider that, given the access road is already used by service vehicles, the most appropriate controls will be in limiting the hours of use, as suggested below:

During construction for the Performing Arts Centre

- 8am to 6pm on Mondays to Fridays
- 8am to 1pm on Saturdays and
- at no time on Sundays or Bank Holidays

During operation of the Performing Arts Centre:

- 8am to 6:30pm on Mondays to Fridays
- 8am to 1pm on Saturdays
- and at no time on Sundays or Bank Holidays

6.7 An additional restriction should be included to prevent use of the access road to staff and members of the public at any time (including visiting, drop off and pick up). However, emergency service vehicles should be excluded from the restrictions.

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations:

- 9 Long Road
- 11 Long Road
- 13 Long Road
- 15 Long Road

7.2 The representations can be summarised as follows:

- The temporary road was originally installed to provide contractors with access to the school site and was to be removed when work was finished. It was used for the building of the sports hall and classroom blocks.
- The application for the classroom blocks included a request for more permanent use for future maintenance works. At this time there was no request to for all trade vehicles to use this access.
- No details are given on the use – numbers, regularity or hours.
- Noise
- Smell from fumes
- Dust
- Loss of privacy
- Many neighbours use the end of their gardens as private space to get away from the noise and fumes of Long Road.
- The pathway between 13 Long Road and 15 Long Road meets the road and is used by pupils
- In condition 17 of the classroom block permission (06/0175/FUL) the condition states that it was to be used for service vehicles only. The service vehicles referred to are the lorries delivering construction vehicles.

- The road has only been resurfaced very recently so that it can be used by a wider a variety of vehicles. The road was a temporary rough surface.
- The school has made promises it has not kept.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Residential amenity

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

8.2 In 2006 planning permission was granted for a three storey classroom block, a two storey art and technology block, an extension to the sports centre, and extension to the science block (06/0175/FUL). This permission included the permanent use of the service road. Permission was granted subject to conditions, with condition 17 stating that the service road 'shall be used for service vehicles only'. The term 'service vehicles' was not defined.

8.3 It has been suggested in the representations received that the term 'service vehicles' relates to vehicles delivering constructing materials, ie vehicles servicing the construction sites, which the permission relates to. Whilst this is logical, in my view this is not the case as the condition does not explicitly describe the vehicles in this way. If the Local Planning Authority wished to enforce the use of the road in this way it would be unreasonable. The use of the road is therefore relatively unrestricted, and would include use by maintenance vehicles, delivery vehicles and refuse vehicles.

8.4 Condition 16 of the planning permission for the Performing Arts Centre, which this application relates to, restricts the use of the service road to 'the delivery of construction materials during the

construction of the building hereby approved and emergency service vehicles only'. What must be assessed is the additional use of the service road over and above what was lawful under the previous application (06/0175/FUL) and the impact of this additional use. Due to the proximity of the road to the common boundaries with the neighbouring houses on Long Road, and due to the fact that the occupiers of these houses use the end part of their gardens as their main private outside space, it is my view that the use of the road should be restricted to minimize the disruption experienced by the occupiers of these properties. Considering the unrestricted use granted by the previous permission (06/0175/FUL) it is, in my view, unreasonable to restrict the use of the road so severely through the permission for the Performing Arts Centre as the Local Planning Authority did consider it acceptable for the road to be used for service vehicles throughout the construction phase and after occupation of the classroom blocks, art and technology block and extensions.

8.5 In my view, the use of the service road should be restricted in the following ways, by separate conditions:

- During the construction period for the Performing Arts Centre the hours of use of the service road by construction vehicles or vehicles delivering construction materials shall be restricted to the hours stated in condition 4 of the planning permission for the Performing Arts Centre (14/2070/FUL) (8am to 6pm on Mondays to Fridays and 8am to 1pm on Saturdays, and at no time on Sundays or Bank Holidays) (3)
- When the Performing Arts Centre is occupied the hours of use of the road by delivery vehicles (ie stage sets) or maintenance vehicles should be restricted to 8am to 6:30pm on Mondays to Fridays and 8am to 1pm on Saturdays, and at no time on Sundays or Bank Holidays) (4)
- Unrestricted access to Emergency Service Vehicles (5)
- Prohibition of use as a drop off or pick up point for pupils at any time (6)

8.6 In my opinion these conditions would result in the protection of the residential amenity of neighbours and I consider that the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 4/13.

## Third Party Representations

<b>Issue</b>	<b>Response</b>
The temporary road was originally installed to provide contractors with access to the school site and was to be removed when work was finished. It was used for the building of the sports hall and classroom blocks.	Permanent use of the service road was granted in 2006 as part of the planning application for the a three storey classroom block, a two storey art and technology block, an extension to the sports centre, and extension to the science block (06/0175/FUL).
The application for the classroom blocks included a request for more permanent use for future maintenance works. At this time there was no request to for all trade vehicles to use this access.	Condition 17 of 06/1075/FUL restricted the use of the road to 'service vehicles only'. This is addressed in paragraph 8.3.
No details are given on the use – numbers , regularity or hours.	Addressed in paragraph 8.5.
Noise	Vehicles will create noise but this will be minimized through the control of hours of use. This is addressed in paragraph 8.5.
Smell from fumes	Vehicles will create fumes but this will be minimized through the control of hours of use. This is addressed in paragraph 8.5.
Dust	As the road is tarmaced it is my view that little dust would be created by the use of the road.
Loss of privacy	The boundary will be strengthened by additional planting through conditions 7, 8 and 9 of the planning permission for the Performing Arts Centre (14/2070/FUL).
Many neighbours use the end of their gardens as private space to get away from the noise and fumes of Long Road.	Addressed in paragraphs 8.4 and 8.5
The pathway between 13 Long Road and 15 Long Road meets the road and is used by pupils	The use of this pathway cannot be controlled.

In condition 17 of the classroom block permission (06/0175/FUL) the condition states that it was to be used for service vehicles only. The service vehicles referred to are the lorries delivering construction vehicles.	Addressed in paragraph 8.3.
The road has only been resurfaced very recently so that it can be used by a wider a variety of vehicles. The road was a temporary rough surface.	Permanent use of the service road was granted in 2006 as part of the planning application for the a three storey classroom block, a two storey art and technology block, an extension to the sports centre, and extension to the science block (06/0175/FUL).
The school has made promises it has not kept.	No breach of planning permission has taken place.

## 9.0 CONCLUSION

9.1 Planning permission was granted to use the service permanently through planning permission 06/0175/FUL. Considering the unrestricted use granted by the previous permission it is, in my view, unreasonable to restrict the use of the road so severely through the permission for the Performing Arts Centre. In my opinion the amenity of neighbouring properties can be protected through conditions restricting the hours of use and the type of vehicle, and I therefore recommend that the application is approved subject to conditions.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. During the construction period for the Performing Arts Centre the service road granted planning permission under ref 06/0175/FUL shall be used by construction vehicles or vehicles delivering construction materials between the following hours only: 0800 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays, and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties.  
(Cambridge Local Plan 2006 policy 4/13)

4. After the occupation of the Performing Arts Centre the service road granted planning permission under ref 06/0175/FUL shall be used by vehicles delivering to or providing maintenance to the Performing Arts Centre only and between the following hours only: 0800 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays, and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties.  
(Cambridge Local Plan 2006 policy 4/13)

5. The service road granted planning permission under ref 06/0175/FUL may be used by emergency vehicles at any time.

Reason: To protect the amenity of the adjoining properties.  
(Cambridge Local Plan 2006 policy 4/13)

6. The service road granted planning permission under ref 06/0175/FUL shall not be used for the dropping off or picking up of pupils at any time.

Reason: To protect the amenity of the adjoining properties.  
(Cambridge Local Plan 2006 policy 4/13)

7. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties.  
(Cambridge Local Plan 2006 policy 4/13)

8. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties.  
(Cambridge Local Plan 2006 policy 4/13)

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

10. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

11. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
  - i) contractors access arrangements for vehicles, plant and personnel,
  - ii) contractors site storage area/compound,
  - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
  - iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To protect the amenity of the adjoining properties during the construction period. (Cambridge Local Plan 2006 policy 4/13)

12. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

13. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)

14. Before starting any brick work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policy 3/12).

15. Full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing are to be submitted to and approved in writing by the Local Planning Authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: In the interests of visual amenity (Cambridge Local Plan 2006, policies 3/4 and 3/12).

16. Full details of all windows and doors, as identified on the approved drawings, including materials, colours, surface finishes/textures are to be submitted to and approved in writing by the Local Planning Authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: In the interests of visual amenity (Cambridge Local Plan 2006, policies 3/4 and 3/12).

17. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report/method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 4/13)

18. Prior to the occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such..

Reason: To protect the amenity of nearby properties. (Cambridge Local Plan 2006 policy 4/13)

19. No development shall take place until full details of the external lighting for the landscaped area, including the amphitheatre have been submitted to and approved in writing by the Local Planning Authority. The details shall include type of lighting structures, location, height, illumination levels and direction of illumination. The lighting details shall thereafter be installed in accordance with the approved plans.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (Cambridge Local Plan (2006 policy 4/13).

20. During performances and practices, all doors and windows serving the Auditorium must be kept closed to contain noise.

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 4/13)

21. Amplification equipment shall not be used for outside performances.

Reason: In the interest of residential amenity. (Cambridge Local Plan 2006, policy 4/13)

22. Performances held outside shall cease by 10pm.

Reason: In the interest of residential amenity. (Cambridge Local Plan 2006, policy 4/13)

23. Prior to the first use of the building a management plan for the use of the building outside school term time and outside school hours shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity. (Cambridge Local Plan 2006, policy 4/13)

24. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.

i) contractors access arrangements for vehicles, plant and personnel,

ii) contractors site storage area/compound,

iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To protect the amenity of the adjoining properties during the construction period. (Cambridge Local Plan 2006 policy 4/13)

25. Prior to the commencement of the development hereby approved full details of a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme will need to meet the Council's requirement for public art as set out in the Public Art SPD (2010). The approved scheme for public art shall be carried out in accordance with the approved details not later than 3 months after the first occupation of the building or within a timeframe set out and agreed within the submitted scheme.

Reason: In the interest of creating successful, high quality, attractive environments, Cambridge Local Plan 2006 policy 3/7.

26. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).